

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearings

Report prepared by: Annelise Judd

Public Hearing: Yes: ☒ No: ☐

Notices Mailed By: 8-1-03 Published On: 8-1-03 Posted On: 7-29-03

TITLE: VESTING MAJOR TENTATIVE MAP (P-MA2003-2), MITIGATED
NEGATIVE DECLARATION (P-EA2003-8) and USE PERMIT NO.
157

Proposal: Request to subdivide 3.6 acre site into 19 single-family residential lots and
to rescind Use Permit No. 157 regarding a church

Location: 1405 Kennedy Drive (APN 029-41-024)

RECOMMENDATION: Approval with conditions to the City Council

Applicant: The Riding Group, Attn: Kendall Riding and Tom Quaglia, 99 Almaden
Blvd., Ste. 720, San Jose, CA 95113

Property Owner: Attn: Phil Allison, Church of Jesus Christ of Latter-Day Saints 50 E.
North Temple Street, Salt Lake City, UT 84105

Previous Action(s): Use Permit No. 157

Environmental Info: Mitigated Negative Declaration (P-EA2003-8)

General Plan: Single-Family Low

Present Zoning: Single-Family Residential ("R1-6")

Existing Land Use: Church (vacant)

Environmental info: Mitigated Negative Declaration (P-EA2003-2)

Agenda Sent To: Applicant & Owner

Attachments: (1) Vesting Major Tentative Map, (2) Setback Exhibit
(3) Site & vicinity photos, (4) Tentative Map Exhibit "A" (for residential
subdivisions with public streets), (5) Draft Mitigated Negative Declaration
(6) May 14, 2003, letter from Charles E. King, (7) E-mail communications
from 20 persons

BACKGROUND

The project site is currently developed as a church with parking lot and landscaping. The Planning Commission approved Use Permit No. 157 for the church use in 1969. Subsequent amendments to the Use Permit were approved by the Commission in 1974 and 1985 for a building addition and a storage building. The church has been vacant for approximately the past two years.

Site Description

The project site is a 3.6-acre parcel located on the north side of Kennedy Drive, between Prada and Simas Drives. A church, with attendant parking and landscaping, occupies approximately two thirds of the site. The remaining portion, which lies at the rear of the site, is vacant.

The site and surrounding area to the north, east and west is zoned R1-6 (Single-Family Residence with 6,000 square-foot minimum lot size), and has a General Plan designation of Single-Family Low density. These surrounding areas are developed with single-family homes.

To the southeast lies William Burnett elementary school. Cardoza Park lies to the southwest. Directly south of the project site lies Fanyon Street, with R2-S zoning (General Plan: Multi-Family Medium density). Development along this street includes duplex homes and a church.

THE APPLICATION

The Vesting Major Tentative Map application is submitted pursuant to the State Subdivision Map Act and the City's Subdivision Ordinance. The request is to subdivide a 3.6-acre parcel into 19 lots for single-family residential development.

The request to rescind Use Permit No. 157 is submitted pursuant to Section 63.06 of the Milpitas Zoning Ordinance. Use Permit No. 157 is for a church use at 1405 Kennedy; rescinding the Use Permit is requested to ensure consistency with the new proposed residential land use for this site.

PROJECT DESCRIPTION

The proposed Vesting Major Tentative Map shows a new cul-de-sac serving 19 lots with a minimum 6,000-square-foot lot size. The cul-de-sac would line up with Fanyon Street, which is a north-south oriented street currently dead-ending at Kennedy Drive. Four of the proposed lots abut Kennedy Drive, and would have homes and driveways oriented towards and accessing this street. This orientation would reinforce the pattern of existing single-family homes on either side of the project site. The remaining proposed lots would derive access from the new cul-de-sac street.

The new cul-de-sac improvements shown on the submitted map are consistent with current City standards. The proposed street name for the new cul-de-sac is "Cameron Court."

Ultimate build-out of the project site would involve demolition of the existing church structures and site improvements, and subsequent construction of 19 single-family detached homes.

ISSUES

Conformance with the Milpitas General Plan and Zoning Ordinance

The proposed map is consistent with the Milpitas General Plan regarding housing density. The density range for the Single-Family Low density designation is 3 to 5 dwelling units per gross acre. The project's proposed 19 lots are consistent with a 5-unit per gross acre calculation.

The project is consistent with the City's Zoning Ordinance R1-6 district as regards lot size and lot width. It also achieves lot sizes and configurations that allow for required yard setbacks and reasonable building envelopes.

With respect to the General Plan affordable housing policies, the applicant has indicated that he will not provide any affordable housing because the City's related General Plan policy states that it is a "goal to provide at least 20% affordability" (in this case 4 units). Absent a policy that makes affordability a requirement or an ordinance requiring affordability, the applicant states he will not participate with the City in reaching its 20% target or providing any percentage of affordability. Lack of voluntary participation does not make the project inconsistent with the General Plan Housing Element.

Draft Mitigated Negative Declaration—California Environmental Quality Act (CEQA)

An Initial Study and Draft Mitigated Negative Declaration have been prepared for the project, as required under the California Environmental Quality Act. Potential environmental impacts identified for the project include air quality impacts during construction, geologic hazards, urban runoff and noise during construction. The environmental documentation includes mitigation measures to address all identified potential impacts, reducing them to a level of insignificance. The applicant has signed a statement agreeing to the recommended mitigation measures. Staff recommends these mitigation measures as special conditions of tentative map approval.

In addition, because of the site's and surrounding area's developed status, the Initial Study has identified no environmental impacts on wildlife resources as defined by Section 711.2 of the State of California Fish and Game Code. When considering the record as a whole, there is no evidence that the proposed project will have potential for adverse effects on wildlife resources or the habitat upon which the wildlife depends.

Tentative Map Finding Regarding Sewer Discharge

Per the City's Subdivision Ordinance, the following finding must be made in order to approve the map: that the discharge of waste from the proposed major subdivision into the existing community sewer system will not result in violation of existing requirements of the California Regional Water Quality Control Board. The City's approved Master Sewer Plan uses General Plan land use designations to determine volume of waste discharge. For the subject site, the Plan has accounted for waste discharge volume equivalent to single-family residential development of 3 to 5 dwelling units per gross acre. Since the proposed project conforms to this residential density (5 dwelling units per acre), it is likewise in compliance with the City's Sewer Master Plan, and the finding regarding compliance with existing requirements of the California Regional Water Quality Control Board can be made.

No “S” Zone (Site & Architectural) Review

Because of the existing R1-6 zoning, there is no “S” zone overlay district for this site. Therefore, no discretionary site /architectural review will occur for the house or landscape designs for the proposed lots. However, the applicant has provided a setback exhibit which delineates front, side and rear yard setbacks for all the lots. Although driveway locations are shown, these are approximate locations only.

Rescind Use Permit No. 157

The project includes a request to rescind previously approved Use Permit No. 157 for a church use at this site, since ultimate site development will encompass single-family residential development, and will no longer involve a church use. The Planning Commission has the authority to rescind a Use Permit when it can make the finding that a land use has been abandoned for a period of at least 18 months, or a different permitted or conditional use is approved for the site.

Upon approval, the proposed Vesting Major Tentative Map constitutes a new permitted use being approved for the site. In addition, the church has been vacant for over two years. Therefore, both parts of the findings can be made, even though only one is required.

Staff recommends that the Planning Commission approve the request to rescind Use Permit No. 157, to be effective upon recordation of the approved Vesting Major Tentative Map.

Park Fee

As part of the City’s Subdivision Ordinance, a park in-lieu fee will be assessed since there is no parkland dedication being offered with this project. The fee calculation is based on the housing type and the fair market value of one acre of land in Milpitas. As provided for in MMC XI-1-9.07 the fair market value, for the purposes of this fee calculation, will be determined annually by City Council resolution. Earlier this year the Council commissioned a study to determine the average fair market value of land in Milpitas. The study was recently completed and found that the average fair market value of one acre of land is currently \$1.3 million. Staff will be drafting a resolution for Council adoption to establish this value for the fee calculation. Based on the valuation study’s conclusion, the park in-lieu fee for this project would be \$477,945, which equates to \$25,155 per dwelling unit. Staff recommends a special condition requiring the park fee be paid prior to building permit issuance of the first unit to be built.

Protected Tree Removal

Site demolition will involve several trees, one of which is a protected tree as defined in the Milpitas Municipal Code. However, the tree is not a designated heritage specimen. The City standard regarding planting of one tree per lot (front yard) will more than compensate for the loss of the protected tree, and staff supports the removal. The new trees would be City street trees located on private property and maintained by the future residential property owners.

Engineering Exhibit “T” and Exhibit “A”

The City’s Land Development Engineer recommends approval of the tentative map subject to 14 special conditions, including conditions and changes as noted in Exhibits “A” and “T.” Exhibit

“A” contains standard conditions for residential subdivisions with public streets, such conditions addressing street improvements and utilities. Exhibit “T” is the Land Development Engineer’s marked-up copy of the submitted tentative map. It addresses street name and catch basin drainage, both of which the applicant has since provided.

Proposed Street Name: Cameron Court

This street name is from the City’s list of street names that have been pre-approved by the Police Department’s dispatch system. This means that these names have been reviewed to ensure that they are clear and easily understood, and would not be confused with other similar-sounding names. The list has been recently re-reviewed by the Police Department for this purpose. Staff supports the proposed street name.

Community Input

Staff received 20 e-mail communications from interested persons regarding the project. All but one of the e-mails offered protest against the project. Staff sent response e-mail notifications acknowledging receipt of the comments, and a follow-up e-mail to advertise the Planning Commission’s public hearing date.

Staff also received a letter (dated May 14, 2003) from Charles E. King, who is pastor of the Sweet Spirit Christian Church. In his letter, Pastor King proposes that the Sweet Spirit Christian church occupy the vacant church building at the project site.

All these communications were received in May 2003, during the beginning phases of project processing. No additional follow-up inquiries or communications have been sent since then.

RECOMMENDATION

1. Close the Public Hearing.
2. Approve the request to rescind Use Permit No. 157, subject to the Findings and Special Condition listed below.
3. Recommend to the City Council to find the Initial Study to be complete, adopt the Mitigated Negative Declaration, and approve the Vesting Major Tentative Map subject to the Findings and Special Conditions listed below.

FINDINGS

Findings for Approval to Rescind Use Permit No. 157

1. Upon approval, the proposed Vesting Major Tentative Map constitutes a new permitted use (single-family residences) being approved for the project site.
2. The church has been vacant for over two years.

Findings for Vesting Major Tentative Map Approval

1. The project is consistent with the City’s General Plan in terms of land use and residential density.

2. The project is consistent with the City's Zoning Ordinance (the site's designated R1-6 zoning district) as regards lot size and lot width.
3. The discharge of waste from this proposed major subdivision into the existing community sewer system will not result in violation of existing requirements of the California Regional Water Quality Control Board.
4. An Initial Study has been conducted by the City of Milpitas, which has evaluated the potential for this project to cause an adverse effect—either individually or cumulatively—on wildlife resources as defined by Section 711.2 of the Fish and Game Code.
5. When considering the record as a whole, there is no evidence that the proposed project will have potential for adverse effects on wildlife resources or the habitat upon which the wildlife depends.
6. The initial study and Negative Declaration (P-EA2003-8) prepared for the project represent the independent review of the City of Milpitas Planning staff, Planning Commission and City Council.
7. The project as mitigated will not create any significant impacts as defined by the California Environmental Quality Act.

RECOMMENDED SPECIAL CONDITIONS

1. Use Permit No. 157 for church use is rescinded, effective upon recordation of the approved Vesting Major Tentative Map. (P)
2. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations and in conformance with the approved plans. (P)
3. If at the time of map recordation there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
4. Prior to building permit issuance for the first residence to be built, the developer shall pay to the City an in-lieu park fee in the amount of \$477,945, per Sec XI-1-9 of the Milpitas Municipal Code (Subdivisions). (P)
5. During all construction activities on-site, the project applicant/developer shall adhere to the following Best Management Practices as suggested by BAAQMD: (P, Mitigation Measure)
 - a. Watering all active construction areas twice daily and more often during windy periods. Active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.;
 - b. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least a 2 feet freeboard level within their truck beds;
 - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - d. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;

- e. Sweep streets daily with water sweeper if visible soil material is carried onto adjacent public streets;
 - f. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more);
 - g. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
 - h. Limit traffic speeds on unpaved areas to 15 mph;
 - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
 - j. Plant vegetation in disturbed areas as quickly as possible;
 - k. Suspend excavation and grading (all earthmoving or other dust-producing activities) or equipment during periods of high winds when watering cannot eliminate visible dust plumes.
6. Prior to building permit issuance, the applicant shall submit to the City's Building Division a design-level geotechnical investigation for the project, to address the potential geologic hazards identified in the Initial Study on the site. Potential impacts resulting from liquefaction-induced settlements and lateral spreading shall be mitigated by following the recommendations of the design-level geotechnical investigation. Structures and foundations shall be designed based upon the results of a detailed analysis of liquefaction potential on the building site. The project building and structures shall be designed and constructed in conformance with the requirements of the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site. (P, Mitigation Measure)
 7. Rainwater gutters/downspouts shall be directed to landscaped areas. (P, Mitigation Measure)
 8. Front yard landscaping shall be installed prior to final building inspection/occupancy. (P, Mitigation Measure)
 9. Project grading and construction activities shall not occur outside the hours of 7:00 AM to 7:00 PM on weekdays and weekends, and shall not occur on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, as per the City of Milpitas Noise Ordinance. (P, Mitigation Measure)
 10. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. (E)
 11. Prior to issuance of any building permits, developer shall obtain approval from the City Engineer of the water, sewer, and storm drain studies for this development. These studies shall identify the development's effect on the City's present Master Plans and the impact of

this development on the trunk lines. If the results of the study indicate that this development contributes to the over-capacity of the trunk line, it is anticipated that the developer will be required to mitigate the overflow or shortage by construction of a parallel line or pay a mitigation charge, if acceptable to the City Engineer. (E)

12. At the time of final map approval, the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to final map approval. (E)
13. Prior to final map approval, the developer shall obtain design approval and bond for all necessary public improvements along Kennedy Drive and the proposed public roadway, including but not limited to curb and gutter, pavement, sidewalk, signage and striping, street lights, fire hydrants, storm drain, sewer, water and utility services. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. The developer shall also execute a secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials. (E)
14. The standard conditions of Engineering Exhibit "A" (dated July'96) shall be included with this tentative map. (Copy attached.) (E)
15. Make changes as noted on Engineering Services Exhibit "T"(dated 6/20/2003) and submit a revised tentative map to the Planning Division. (Exhibit T was sent to applicant on 6-26-03.) (E)
16. The final map shall record prior to issuance of any building permit. (E)
17. The developer shall dedicate on the final map necessary public service utility easements, street easements and easements for water and sanitary sewer purposes. (E)
18. The developer shall submit the following items with the building permit application and pay the related fees prior to final inspection (occupancy) by the Building Division:
 - A. Water Service Agreement(s) for water meter(s) and detector check(s).
 - B. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire. (E)
19. Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s). (E)
20. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)
21. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers

to eliminate as much as possible pollutants entering our receiving waters. Construction activities which disturb 1 acre or greater are viewed as a source of pollution, and the RWQCB requires a Notice of Intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction. A Storm Water Pollution Prevention Plan (SWPPP) and a site monitoring plan must also be developed by the applicant, and approved by the City prior to permit issuance for site clearance or grading. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)

22. Prior to occupancy permit issuance, the applicant shall submit evidence to the City that an adequate level of service for trash collection and recycling services have been subscribed with BFI. For general information, contact BFI at (408) 432-1234. (E)
23. Prior to any work within public right-of-way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)

(P) = Planning Division (408)586-3273; (E) = Land Development Engineering (408)586-3328.

NOTES TO THE APPLICANT

The following notes pertain to administration of the City codes and ordinances which are not part of the Zoning Ordinance regulations. The applicant shall not consider these notes as approval from any Department. Additional requirements may be made prior to permit issuance. These notes are provided to assist in the permit process if approval is granted.

Engineering Division (For further information regarding these notes, contact Mehdi Khaila, 586-3328)

- a. It is the responsibility of the developer to obtain any necessary encroachment permits or approvals from affected agencies and private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division.
- b. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, plan check and inspection deposit. These fees are collected as part of the secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor and materials.
- c. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), developer may be required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms.
- d. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hours prior to construction for location of utilities.
- e. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in Flood Zone "D."
- f. Prior to demolition permit issuance, the Applicant, or Contracted Designee, shall submit Part I of a Recycling Report on business letterhead to the Building Division, for forwarding to the

Engineering Section. This initial report shall be approved by the City's Utility Engineering/Solid Waste Section prior to demolition permit issuance. The report shall describe these resource recovery activities:

- 1) What materials will be salvaged.
- 2) How materials will be processed during demolition.
- 3) Intended locations or businesses for reuse or recycling.
- 4) Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.

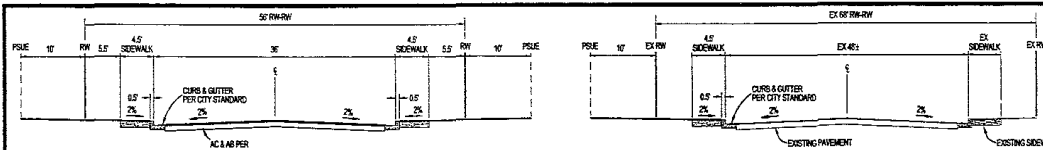
Applicant/Contractor shall make every effort to salvage materials for reuse and recycling.

- g. Prior to completion of demolition and prior to building permit issuance, applicant shall submit Part II of the Recycling Report to the Building Division, for forwarding to the City's Utility Engineering/Solid Waste Section, that confirms items 1 – 4 of the Recycling Report, especially materials generated and actual quantities of recycled materials. Part II of the Recycling Report shall be supported by copies of weight tags and/or receipts of "end dumps." Actual reuse, recycling and disposal tonnage amounts (and estimates for "end dumps") shall be submitted to the Building Division for approval by the Utility Engineering/Solid Waste Section prior to inspection by the Building Division.
- h. All demolished materials including, but not limited to broken concrete and paving materials, pipe, vegetation, and other unsuitable materials, excess earth, building debris, etc., shall be removed from the job site for recycling and/or disposal by the Applicant/Contractor, all to the satisfaction of the City Engineer or designee. The Applicant/Contractor shall, to the maximum extent possible, reuse any useful construction materials generated during the demolition and construction project. The Applicant/Contractor shall recycle all building and paving materials including, but not limited to roofing materials, wood, drywall, metals, and miscellaneous and composite materials, aggregate base material, asphalt, and concrete. The Applicant/Contractor shall perform all recycling and/or disposal by removal from the job site.

Fire Department (For further information regarding these notes, contact Jaime Garcia, 586-3369)

- a. Adjacent Access. No source of access from lands adjoining a property to be developed shall be considered unless there is obtained the irrevocable and unobstructed right to use same. California Fire Code, Section 902.2.1.2 amended by the Milpitas Municipal Code V-300-2.01.
- b. Fire apparatus access road shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 15 feet. When the access road is wider than 20 feet, the required vertical clearance shall apply to the entire road width. Section 902.2.2.1, California Fire Code (CFC) and Milpitas Fire Department Access Guidelines.
- c. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. Section 902.2.2.4, CFC.

- d. The gradient for the fire apparatus access road shall not exceed 17 percent. Section 902.2.2.6, CFC.
- e. The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on-site or both as required and approved by the Fire Department. CFC Section 903.2, 903.3 & 903.4.2
- f. Existing fire hydrants on public streets are allowed to be considered as available. Existing hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. Appendix III-B, California Fire Code.
- g. The maximum distance from any point on street frontage to a hydrant shall not exceed 250 feet. Table A-III-B-1, California Fire Code.
- h. The maximum distance from a hydrant to the end of the CUL-DE-SAC shall not exceed 190 feet. Table A-III-B-1, California Fire Code.
- i. No parking is permitted in front of fire hydrants. Hydrants located on street (public or private street) shall have an unobstructed clearance of not less than 30 feet per Vehicle Code 22513, California Fire Code Section 901.4.3. Fire hydrants shall be clearly identified in an approved manner to prevent obstruction by parking and other obstructions. 901.4.3, 903.4.2 CFC
- j. Complete plans and specifications for all aspects of Fire-Protection systems shall be submitted to the Fire Department for review and approval prior to system installation. Section 1001.3, CFC.



SECTION A-A
NOT TO SCALE

SECTION B-B
NOT TO SCALE

CONTACTS:

1. OWNER:
CORPORATION OF THE PRESCING BISHOP OF THE CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINTS, A UTAH CORPORATION AND THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
2. SUBOWNER:
THE BING GROUP
1 ALAMOND BOULEVARD
SAN JOSE, CA 95131
(408) 999-0132
3. ENGINEER:
CARLSON, BARBEE & GESON, INC.
2603 CAMINO RAMON, SUITE 100
SAN RAMON, CA 94583
(925) 866-0322
SANDRA COLLEGGIO

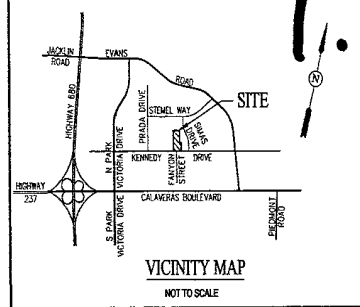


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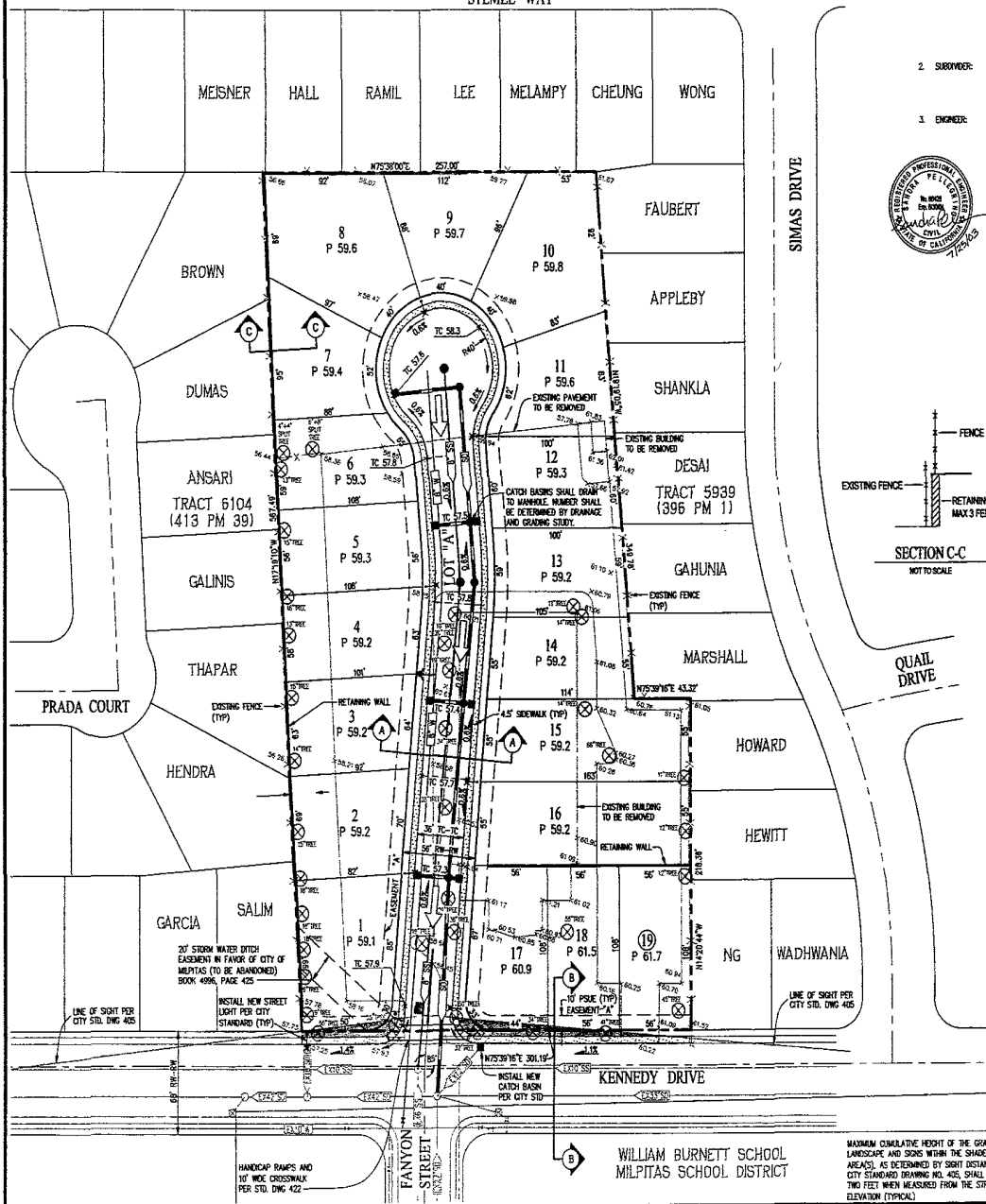
1. ASSESSORS PARCEL NO. 029-41-024
2. SITE ADDRESS: 1405 KENNEDY DRIVE, MILPITAS, CA 95035
3. SITE AREA: 3.64 ACRES
4. ZONING: R1-6
5. EXISTING USE: CHURCH
PROPOSED USE: SINGLE FAMILY RESIDENTIAL
6. ALL EXISTING BUILDINGS, PAVEMENT, UTILITIES AND TREES WITHIN BOUNDARY TO BE REMOVED.
7. ALL DIMENSIONS AND PROPOSED GRADING ARE PRELIMINARY AND SUBJECT TO FINAL DESIGN.
8. BOUNDARY INFORMATION COMPILED FROM RECORD INFORMATION.
9. MINIMUM LOT SIZE: 6,000 SQUARE FEET
10. STREET TREES SHALL BE PROVIDED AS REQUIRED BY THE CITY.
11. EXISTING STORM WATER DITCH EASEMENTS TO BE ABANDONED.
12. BENCHMARK: CITY OF MILPITAS DATUM CHECKED CROSS ON NORTH SIDE SANITARY MANHOLE 10' AT INTERSECTION OF FANTON ST AND KENNEDY DR. ELEV. 58.28 MGD009
13. ALL STREETS WITHIN THE SUBDIVISION WILL BE PUBLIC STREETS AND MAINTAINED BY CITY OF MILPITAS.
14. PROPOSED WATER, SANITARY SEWER, AND STORM DRAIN FACILITIES WILL BE CONSTRUCTED AS PER CITY OF MILPITAS STANDARDS AND DEDICATED TO CITY.
15. STREET LIGHTS WILL BE INSTALLED PER CITY OF MILPITAS STANDARDS AND MAINTAINED BY CITY.
16. ALL WALLS WILL BE PRIVATE FACILITIES MAINTAINED BY HOMEOWNER.
17. WELLS ON-SITE: NONE
18. WATER: CITY OF MILPITAS
19. SEWER: CITY OF MILPITAS
20. GAS & ELECTRIC: POKE
21. TELEPHONE: SBC
22. CABLE TV: AT&T BROADBAND
23. STREET TREES: CITY OF MILPITAS
24. EASEMENT "A": PUBLIC SERVICE UTILITY EASEMENT
25. LOT "A": CAMERON COURT (PUBLIC STREET)

LEGEND:

EXISTING	PROPOSED	DESCRIPTION
---	S	LOT NUMBER
---	P 117.0	PAID ELEVATION
---	---	SUBDIVISION BOUNDARY
---	---	PROPERTY LINE
---	---	SANITARY SEWER PIPE
---	---	SANITARY SEWER MANHOLE
---	---	STORM DRAIN PIPE
---	---	STORM DRAIN MANHOLE
---	---	CURB INLET
---	---	WATER MAIN
---	---	ELECTROFUR
---	---	SPOT ELEVATIONS
---	---	FIRE HYDRANT
---	---	TREE (TO BE REMOVED)
---	---	PUBLIC SERVICES & UTILITY EASEMENT
---	---	EMERGENCY OVERLAND FLOW



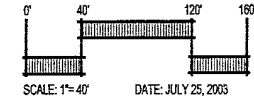
VICINITY MAP
NOT TO SCALE



SECTION C-C
NOT TO SCALE

VESTING TENTATIVE MAP KENNEDY DRIVE SUBDIVISION

CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA

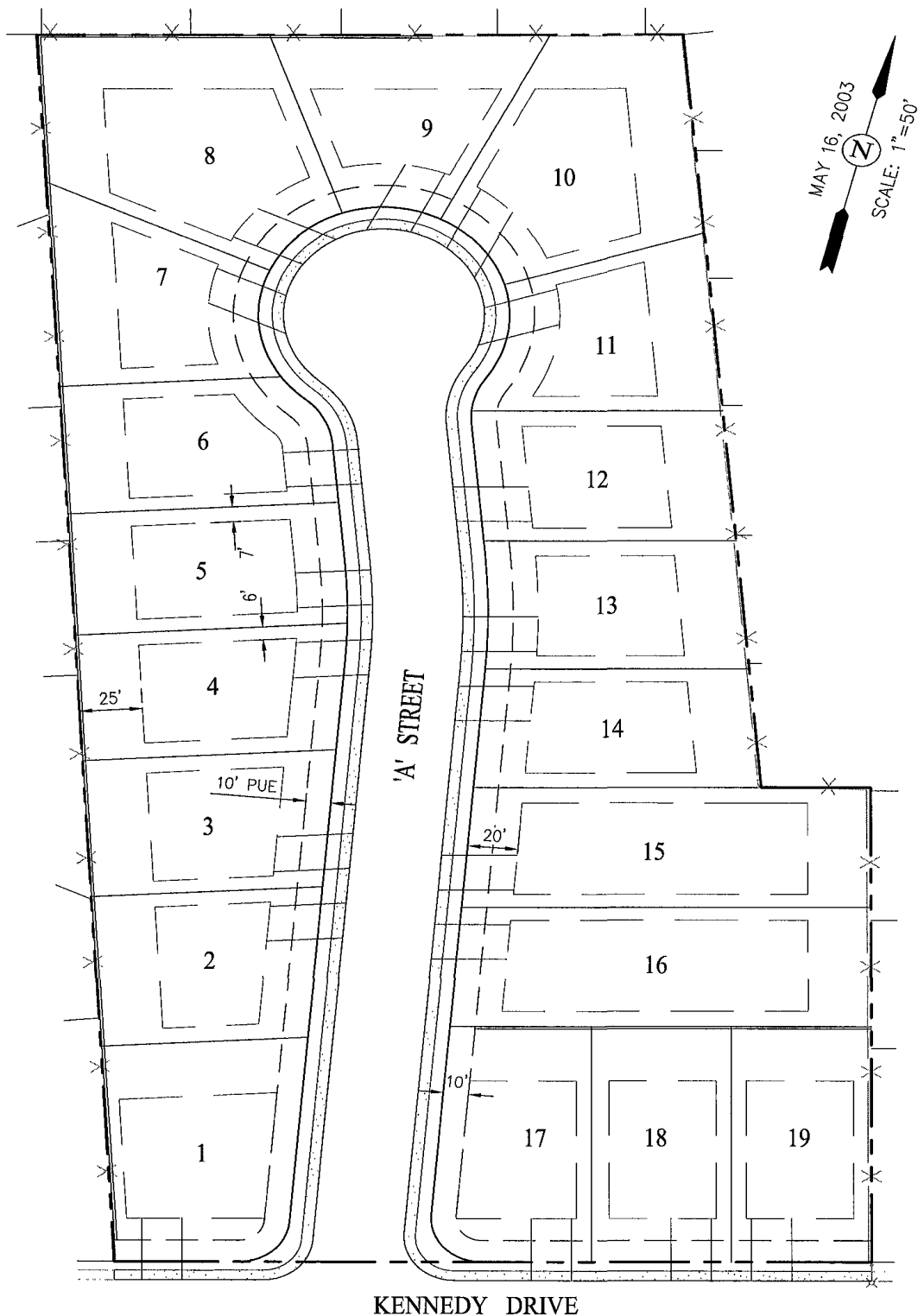


Carlson, Barbée & Geson, Inc.
2603 CAMINO RAMON, SUITE 100
SAN RAMON, CALIFORNIA 94583
TEL: (925) 866-0322
FAX: (925) 866-0323

SHEET NUMBER
1
OF 1 SHEETS

WILLIAM BURNETT SCHOOL
MILPITAS SCHOOL DISTRICT

MAXIMUM CUMULATIVE HEIGHT OF THE GRADE LANDSCAPE AND SLOPE WITHIN THE SHARED AREAS, AS DETERMINED BY SIGHT DISTANCE - CITY STANDARD DRAWING NO. 405, SHALL BE TWO FEET WHEN MEASURED FROM THE STREET ELEVATION (TYPICAL).



LOT	AREA(SF)
1	7,500
2	6,000
3	6,000
4	6,000
5	6,000
6	6,000
7	6,000
8	9,400
9	6,200
10	8,400
11	6,000
12	6,000
13	6,000
14	6,000
15	8,800
16	9,000
17	6,500
18	6,000
19	6,000

KENNEDY DRIVE

ZONING: R1-6

1. FRONT SETBACK: 20 FEET
2. REAR SETBACK: 25 FEET
3. SIDE YARD: ADJACENT TO THE GARAGE A MINIMUM OF SIX (6) FEET AND THE TOTAL OF BOTH SIDE YARDS THIRTEEN (13) FEET.
4. CORNER SIDE YARD: 10 FEET


NOTES:

1. DRIVEWAY LOCATIONS ARE PRELIMINARY

SETBACK EXHIBIT

1405 KENNEDY DRIVE

CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA



Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS SURVEYORS PLANNERS

2603 CAMINO RAMON, SUITE 100
SAN RAMON, CALIFORNIA 94583

TEL: (925) 586-0322
FAX: (925) 586-8575

SHEET NUMBER

1

OF 1 SHEETS

**Tentative Map Exhibit "A",
For residential subdivisions with public streets**

The recommended special conditions of the tentative map shall supersede the following standard conditions wherever there is a discrepancy.

Standard Conditions:

The subdivider shall be responsible for complying with the following:

Street Improvements

- a. All streets shall be paved and improved after utilities are installed in accordance with City of Milpitas Standard Drawings and Specifications in effect at the time of construction.
- b. Paving design and construction control shall be based on State of California "R" value method, using following Traffic Indices for design:

<u>Type</u>	<u>R/W Width</u>	<u>Curb Width</u>	<u>T.I.</u>
Major	124'	104'	11
Secondary	90'	70'	10
Collector	60'	40'	8
Local	56'	36'	6
Major Industrial	80'	68'	11
Minor Industrial	60'	48'	9

- c. The minimum street grade on any street shall not be less than 0.6% and cross slope shall not be less than 2%.
- d. Cul-de-sac ends shall have a minimum radius of forty feet to face of curb for residential areas and sixty feet to face of curb in commercial and industrial areas.
- e. Slope easements are to be dedicated to the City where cuts or fill do not catch existing ground within dedicated street right-of-way.
- f. Valley gutters shall not be used to provide drainage across any street or intersection.
- g. Sidewalks shall be provided on both sides of streets in all residential, commercial, and on one side in industrial areas per the City Standard Drawings.

Storm Drainage

- a. Plans for complete underground storm drainage system in accordance with requirements of City Engineer shall be approved prior to recordation of map. Drainage area is defined as the entire area that currently drains into the proposed subdivision. The system shall be designed to incorporate hydraulic grade lines no higher than 2 feet below top of curb for the 10 year storm and top of curb for the 100 year storm.
- b. Plans for all storm drain connections to Santa Clara Valley Water District's creeks shall be approved by SCVWD prior to City's approval of improvement plans.

Domestic Water, Sanitary Sewer and Recycle Water Systems

Plans for water, sanitary sewer and Recycle Water facilities in accordance with requirements of the City Engineer shall be approved prior to recordation of Final Map.

Improvement Plans, Agreements and Securities (Bonds, etc.)

- a. Complete improvement plans, specifications and calculations shall be submitted to and approved by the City Engineer for all public improvements within the proposed subdivision prior to recordation of the Final Map.
- b. All improvement agreements required in connection with said plans shall be submitted to and approved by City Council prior to recordation of Final Map.
- c. Security for faithful performance and labor material man each equal to 100% of the approved estimates of construction costs of improvements shall be submitted to and approved by City Engineer prior to recordation of the Final Map.

Fees and Deposits

- a. The following fees and deposits shall be paid prior to recordation of the Final Map:
 1. Plan-check and inspection deposit
 2. Final map fee
 3. Right-of-way reimbursement fee
 4. Improvement reimbursement fee
 5. Water connection fee
 6. Fire hydrant fee

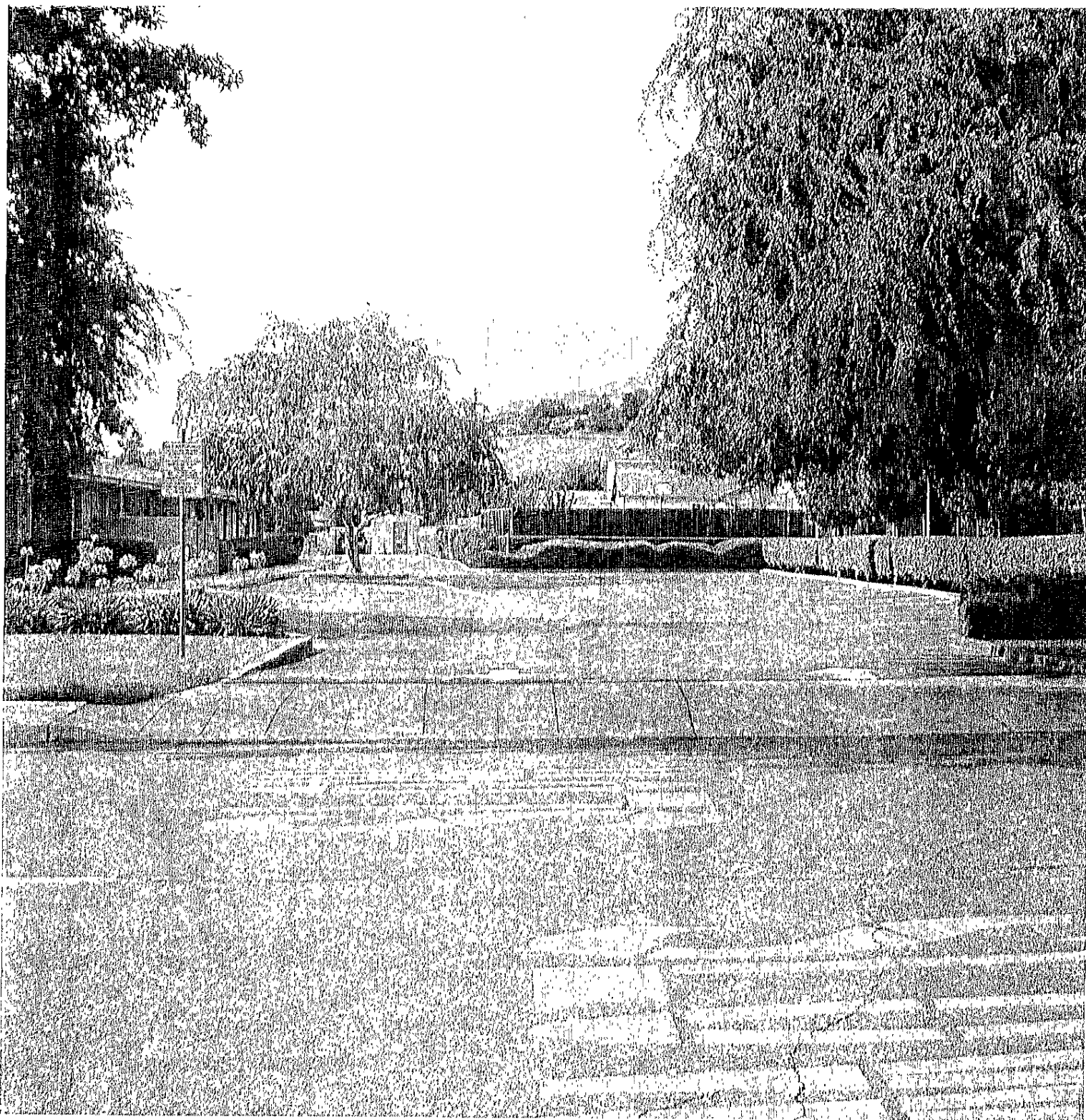
7. Construction water fee
8. Sanitary connection fee
- b. The following fees shall be paid prior to building permit issuance:
 1. Sewer treatment plant fee for non-residential development
 2. Water service agreement fee (water meter) for non-residential development
 3. Any mitigation fees
- c. The following fees shall be paid prior to final inspection by the Building Division:
 1. Sewer treatment plant fee for non-residential development
 2. Water service agreement fee (water meter) for residential development
 3. Parasite fee (residential)

Miscellaneous

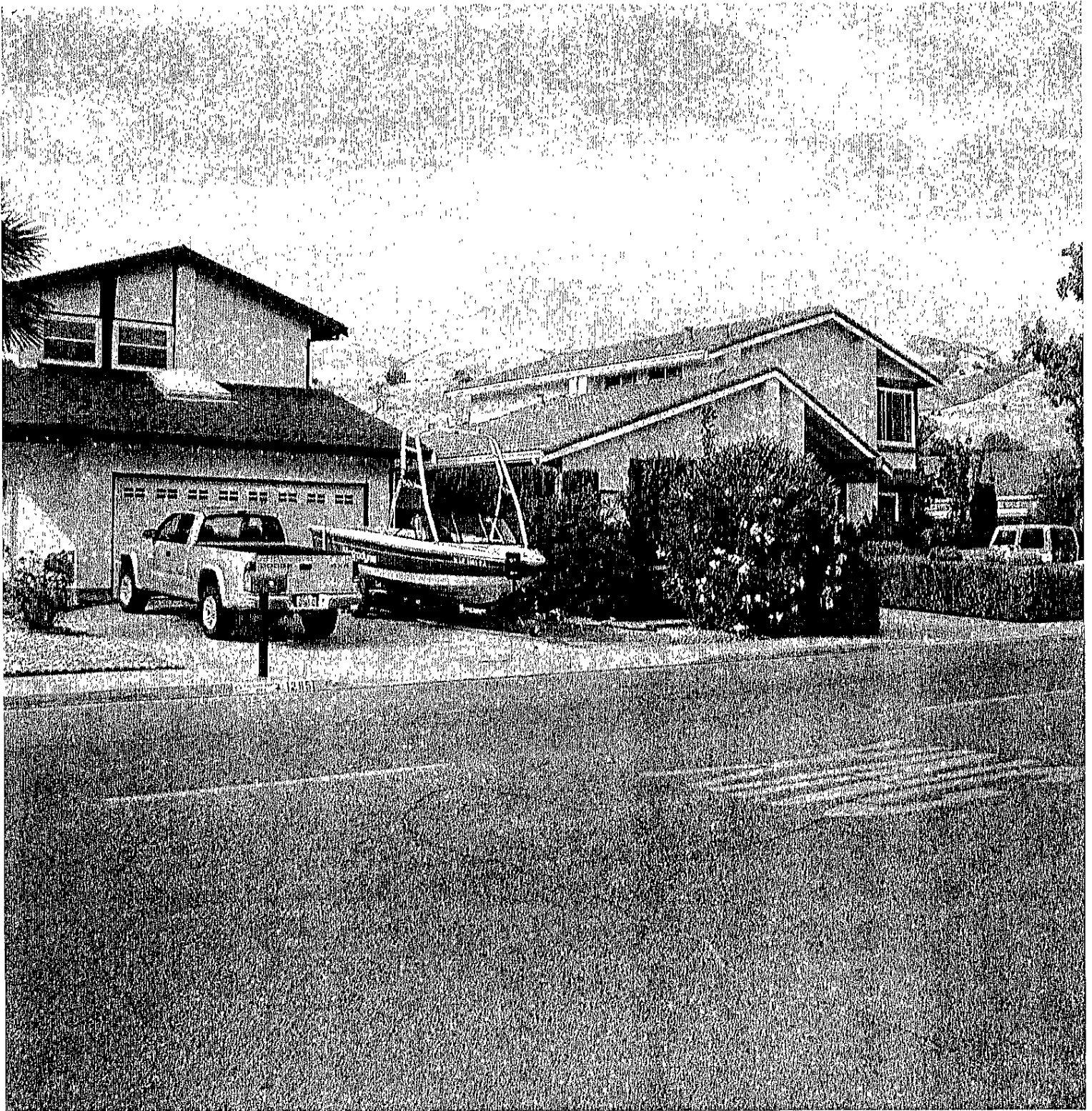
- a. If development is to be constructed in phases, master plans for the water mains, sanitary sewers, storm sewers, street lights and signing and striping must be approved prior to the submittal of an improvement plan. The master plans are subject to review with any requested time extension of the approved Tentative Map.
- b. Any existing utilities in conflict with the proposed lot design shall be relocated or replaced, as determined by the City Engineer and at subdivider's cost.
- c. A 10-foot public service and utility easement adjacent to each street right-of-way line shall be provided.
- d. Any existing water wells on the property shall be reviewed by the City Engineer to determine if the well can be utilized by the City for its domestic water system. If use by City is determined, well site shall be dedicated to City. If not, well shall be abandoned in accordance with County Health Department standards/Santa Clara Valley Water District standards.
- e. A grading plan shall be submitted prior to any consideration of improvement plans or master utility plans.
- f. Any necessary off-tract easements shall be dedicated concurrently with the Final Map recordation.
- g. Traffic signing and striping of the completed streets shall be performed by Developer's Contractor unless otherwise approved by the City.
- h. Developer shall install street name signs in place prior to issuance of the Certificate occupancy.
- i. Developer shall plant one 15-gallon size street shade tree per lot per street in residential subdivisions and at 40' to 60' separation for non-residential subdivisions. The type of trees shall be per the "Approved Street Tree List".
- j. Nothing herein contained shall be construed to permit any violation of relevant ordinances and regulations of the City of Milpitas, or other public agencies having jurisdiction.



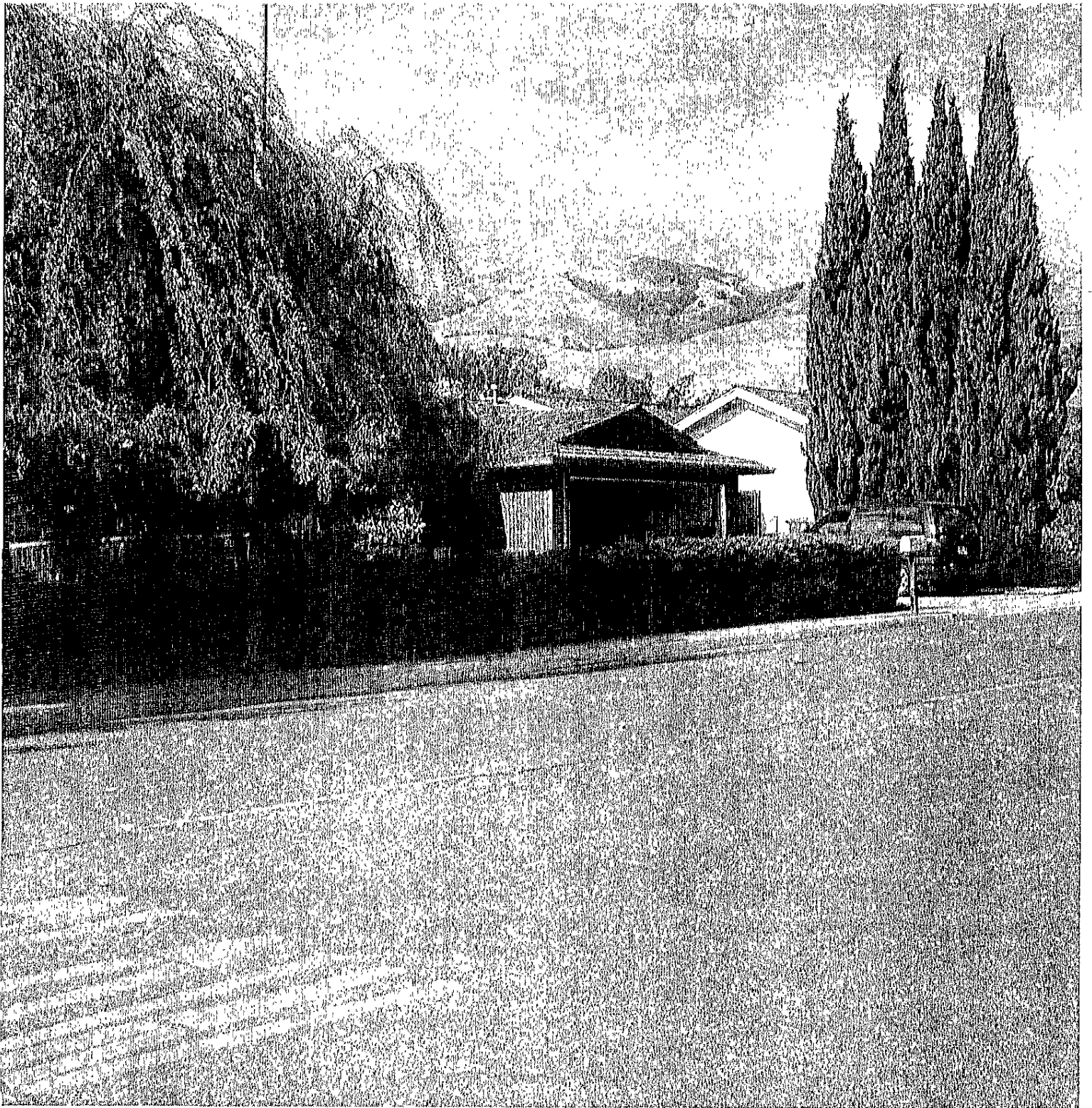
Existing church on subject site.



Easterly parking lot of existing church.

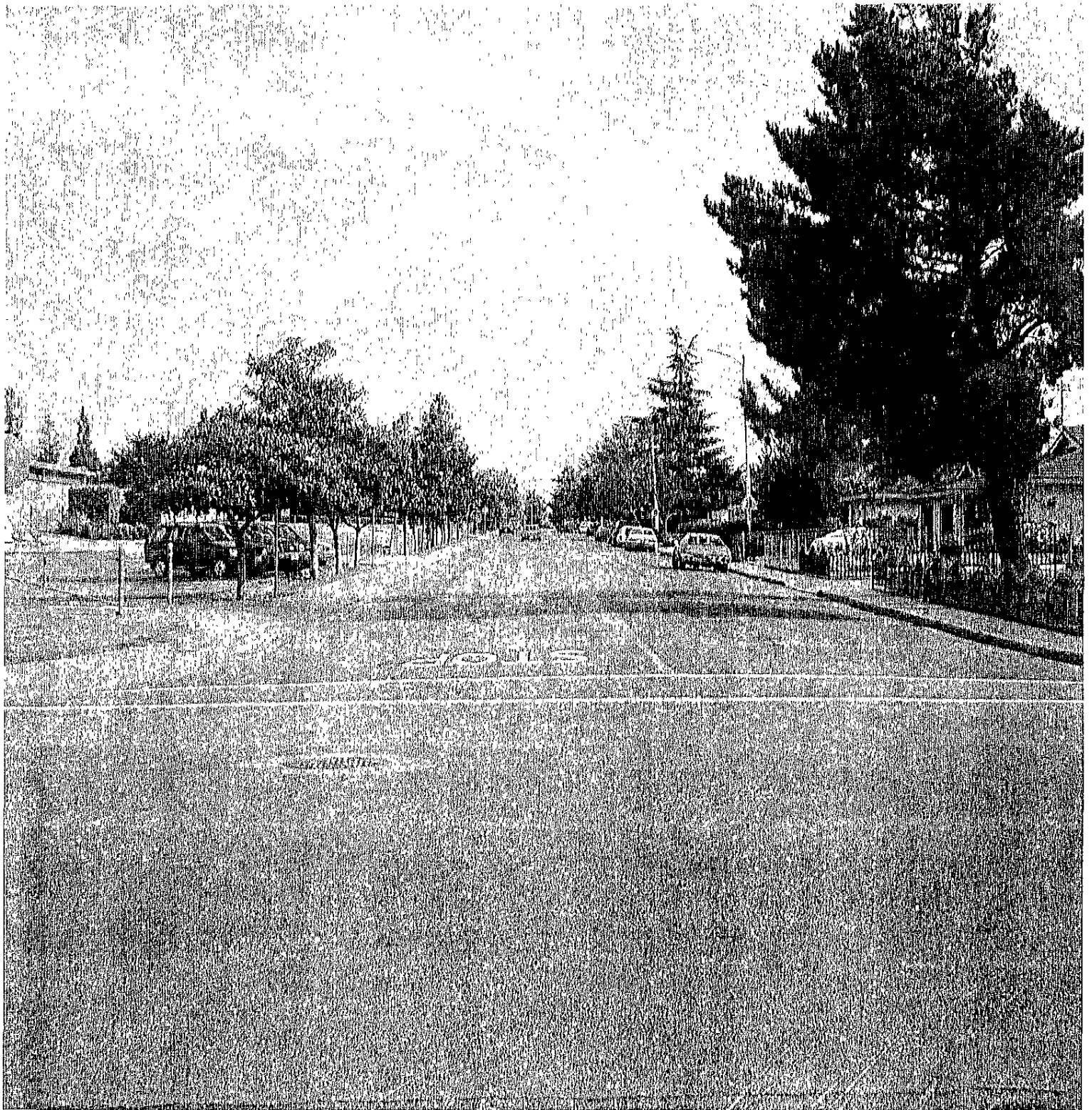


*Single-family homes fronting onto
Kennedy Drive, immediately
west of project site.*



*Single-family home fronting onto
Kennedy Drive, immediately
east of project site.*

William Burnett Elementary
school at southeast corner of
Kennedy Dr. and Faupur St.,
across the street from project site.



Looking down Kenyon Street, from
project site. Burnett Elementary is
to the left, duplex homes to the
right.